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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**IVO JUHANI, BERNARD BURLEW,  
KENYON OSTER, CHRISTIAN WILBUR,  
and OSIEL SALDIVAR, on behalf of  
themselves and all others similarly situated,**

**Index No. 13 Civ. 3653 (VEC)**

**Plaintiffs,**

**-against-**

**CROWN GROUP HOSPITALITY, LLC, THE  
LION RESTAURANT GROUP, LLC d/b/a  
THE LION, 24 EAST 81ST STREET  
RESTAURANT, LLC d/b/a CROWN, 57 EAST  
54TH STREET, LLC d/b/a BILL'S FOOD  
AND DRINK, JOHN G. DELUCIE, SEAN  
LARGOTTA, and MARK THOMAS  
AMADEI,**

**Defendants.**

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**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT  
AND PROVIDING FOR NOTICE**

**WHEREAS**, the above-captioned matter (the “Wage Action”) is currently pending before this court;

**WHEREAS**, Plaintiffs have made an application, pursuant to Rule 23 (e), Fed. R. Civ. P., for an order approving the settlement of the claims alleged in the Wage Action, in accordance with the Settlement Agreement and Release dated August 15, 2014, ECF No. 56-1 (the “Agreement”), which, together with the related materials filed therewith and the revised Notice of Class Action Lawsuit Settlement and Fairness Hearing, ECF No. 64-1 (the “Revised Class Notice”), sets forth the terms and conditions for a proposed settlement of the Wage Action against Defendants and for dismissal of the Wage Action against

Defendants with prejudice upon the terms and conditions set forth therein, and the Court has read and considered the Agreement, the materials filed therewith and the Revised Class Notice; and,

**WHEREAS**, all terms contained and not otherwise defined herein shall have the same meanings set forth in the Agreement.

**IT IS ON THIS SIXTEENTH DAY OF OCTOBER, 2014 HEREBY ORDERED AS FOLLOWS:**

1. The Court hereby preliminarily approves the settlement set forth in the Agreement as being fair, just, reasonable and in the best interests of the Class Members as described in the Agreement (the “Class”). The Court will not make any final determination regarding the Agreement until after the Fairness Hearing takes place, as described below.

2. The Court hereby preliminarily approves under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes a Class consisting of all individuals who worked for Defendants as servers, runners, bussers, bartenders, and barbacks during the Relevant Statutory Period, as defined in the Agreement ¶¶ 1.6, 1.25. For the purposes of settlement only, the Court further finds that the Class meets the requirements for class certification under Federal Rule of Civil Procedure 23, subject to the entry of the Final Order and Judgment as provided in the Agreement.

3. The Court hereby preliminarily certifies Class Counsel, and the Named Plaintiffs as Class Representatives as described in the Agreement, subject to the entry of the Final Order and Judgment as provided in the Agreement.


4. The Fairness Hearing Shall be held before this Court at **2:00 p.m. on Tuesday, January 20, 2015**, in Courtroom 443 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, to determine whether the proposed settlement of

the Wage Action on the terms and conditions provided for in the Agreement is fair, just, reasonable, adequate and in the best interests of the Class, and should be approved by the Court; whether an Order and Final Judgment of Dismissal, as provided in the Agreement, should be entered; and to determine the amount of attorneys' fees, costs and expenses that should be awarded Class Counsel.

5. The Court approves, as to form and content, the Revised Class Notice and finds that the mailing and distribution of the Revised Class Notice substantially in the manner set forth in the Agreement constitutes the best notice practicable under the circumstances, and constitutes valid, due and sufficient notice to all persons in the Class, complying fully with the requirement of Rule 23 of the Federal Rules of Civil Procedure, the Constitution of the United States and any other applicable laws.

6. The Court reserves the right to adjourn the date of the Fairness Hearing without further notice to the Class Members, and retains jurisdiction to consider all further applications arising out of or connected with the proposed settlement. Notice of any adjournment can be obtained from Class Counsel: Denise Schulman, Esq., 233 Broadway, Fifth Floor, New York, NY 10279 (phone: 212-688-5640). The Court may approve the settlement, with such modifications as may be agreed to by the settling parties, if appropriate, without further notice to the Class.

7. On or before the date that is seven (7) days before the Fairness Hearing, Class Counsel shall move the Court for final approval of the settlement, and submit a memorandum of law in support of Plaintiffs' Counsel's application for attorneys' fees and incentive awards.

  
United States District Judge

Dated: October 16, 2014